

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MILTON AL STEWART,
Acting Secretary of Labor,
United States Department of Labor,

Petitioner,

v.

REZA'S TOWER INC.
a/k/a REZA OAK BROOK, INC.,

Respondent.

Misc. Case No.:

Judge:

Magistrate Judge:

**DECLARATION OF ASSISTANT DISTRICT DIRECTOR
BRANDON THEODORE IN SUPPORT OF THE ACTING SECRETARY OF
LABOR'S PETITION TO ENFORCE ADMINISTRATIVE SUBPOENA DUCES TECUM**

I, BRANDON THEODORE hereby states and declares on personal information and belief as follows:

1. I am an Assistant District Director ("ADD") for the Chicago District Office of the United States Department of Labor, Wage and Hour Division. As part of my duties as an Assistant District Director, I assign Wage and Hour Investigators to conduct investigations to ascertain compliance with the Fair Labor Standards Act ("FLSA") and supervise such investigations. I have been an ADD with the Chicago Office since November 13, 2016. Prior to that, I was a Wage and Hour Investigator in the Chicago District Office from January 1998 to November 2016.

2. On March 9, 2020, I assigned Wage and Hour Investigator Eduardo Hernandez ("WHI Hernandez") to investigate compliance with federal wage and hour laws, including, but not limited to, compliance with the FLSA's minimum wage, overtime, and record-keeping

provisions, by Reza's Tower Inc. ("Reza's Tower"), which maintains an office and its principal place of business at 40 N. Tower Road Oak Brook Illinois 60523.

3. In March 2020, WHI Hernandez called and spoke with an individual identified as Ryan Toulabi. Ryan Toulabi is the son of the alleged former owner of Reza's Tower, Reza Toulabi. Ryan Toulabi is alleged to be the current owner of Reza's Tower. During this phone call, Ryan Toulabi provided his email address to WHI Hernandez.

4. On March 12, 2020, WHI Hernandez visited the Reza's Tower location at 40 N. Tower Road Oak Brook Illinois 60523. Neither Ryan Toulabi nor Reza Toulabi were present.

5. On March 19, 2020, WHI Hernandez emailed Ryan Toulabi for the following information: (1) Payroll records—past 2 years March 2018–March 2020—same time frame for any time records you may have; (2) Gross Figures for the business for the past 3 years—typically 1120 tax form; (3) List of all employees/workers for the establishment with name, address and phone number for past 2 years. WHI Hernandez indicated more documents may be requested in the future. Ryan Toulabi did not respond to this March 19, 2020 email.

6. On March 31, 2020, WHI Hernandez emailed Ryan Toulabi to follow up on his March 19, 2020 email. Ryan Toulabi did not respond to this March 31, 2020 email.

7. On May 11, 2020, I sent a letter to Reza's Tower. This letter indicated that all documents must be made available within 72 hours to WHI Hernandez ("72-Hour Letter"). 29 C.F.R. § 516.7(a) (2020). WHI Hernandez and I received no response to this 72-Hour Letter. A copy of the 72-Hour Letter is attached as Exhibit A-1.

8. Michael Lazzeri, Regional Administrator of Wage and Hour Division, issued the Subpoena *Duces Tecum* ("Subpoena") on June 24, 2020. A copy of the Subpoena is attached as Exhibit A-2.

9. I personally served the Subpoena at Reza's Tower on June 28, 2020 at 40 N. Tower Road Oak Brook, Illinois 60523. I served the Subpoena on the manager of Reza's Tower, Nour Deen. The Subpoena required the production of documents by July 1, 2020 at 10:00 a.m. No documents had been produced by July 1, 2020. A copy of the Return of Service is attached as Exhibit A-3.

10. None of the documents requested in the Subpoena were produced by July 1, 2020.

11. On July 20, 2020, District Director Thomas Gauza received a letter from attorney George Pontikes representing Reza's Tower. Mr. Pontikes indicated his client would respond to the Subpoena by September 1, 2020. A copy of the July 20, 2020 letter from George Pontikes to District Director Thomas Gauza is attached to the Declaration of District Director Thomas Gauza in Support of the Acting Secretary of Labor's Petition to Enforce Administrative Subpoena *Duces Tecum* as Exhibit B-1.

12. According to the Illinois Secretary of State, Reza's Tower's President and Secretary is Reza Toulabi. A copy of the Illinois Secretary of State searches is attached as Exhibit A-4.

13. On July 27, 2020, WHI Hernandez signed a FLSA Appointment Letter that was sent to attorney George Pontikes. A copy of the Appointment Letter is attached to the Declaration of Wage and Hour Investigator Eduardo Hernandez in Support of the Acting Secretary of Labor's Petition to Enforce Administrative Subpoena *Duces Tecum* as Exhibit C-1.

14. During September 2020, Mr. Pontikes corresponded with District Director Thomas Gauza via email. A copy of the emails between Mr. Pontikes and District Director Thomas Gauza is attached to the Declaration of District Director Thomas Gauza in Support of

the Acting Secretary of Labor's Petition to Enforce Administrative Subpoena *Duces Tecum* as Exhibit B-2.

15. To date, Reza's Tower has not produced any documents or attempted to comply with the Subpoena.

16. Reza's Tower's failure to comply fully with the Subpoena has impeded and continues to impede the Wage and Hour Division's investigation under the provisions of section 11 of the FLSA to ascertain Reza's Tower's compliance with the FLSA.

17. Exhibits A-1 through A-4 attached hereto are true and correct copies of what they purport to be.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 3-1-2021


BRANDON THEODORE